

REMARKS

Claims 25-30 were pending in the application. Claims 28-30 are cancelled without prejudice or disclaimer. Hence, claims 25-27 are pending in the Application. Applicants cancelled claims 28-30 so as to prosecute all the method claims (claims 25-27) in one application. Applicants are not conceding in this application that cancelled claims 28-30 are not patentable over the art cited by the Examiner or are directed to non-statutory subject matter, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter (claims 25-27) indicated by the Examiner as being allowable (see below). Applicants respectfully reserve the right to pursue these and other claims in one or more continuation patent applications.

Applicants thank Examiner Frejd for discussing the 35 U.S.C. §§101 and 102(e) rejections on May 28, 2008 with Applicants' attorney, Bobby Voigt. Examiner Frejd agreed to allow claims 25-27 for at least the reasons provided below.

I. REJECTIONS UNDER 35 U.S.C. §101:

The Examiner has rejected claims 28-30 under 35 U.S.C. §101. As was discussed with Examiner Frejd on May 28, 2008, the rejections under 35 U.S.C. §101 are overcome by having the preamble of claim 28 state the following: "A computer program product stored on a storable computer readable medium, the computer program product, when executed on a computer, causes the computer to create an information technology technical architecture comprising the program steps of:" As was discussed above, claims 28-30 were cancelled so as to prosecute all the method claims (claims 25-27) in one application. When Applicants file a continuation patent application so that claims 28-30 will issue in a subsequent patent, Applicants will modify the preamble of claim 28 as suggested by Examiner Frejd.

II. PROVISIONAL DOUBLE PATENTING REJECTIONS:

The Examiner has provisionally rejected claims 25-30 under obviousness-type double patenting as being unpatentable over claims 22-25 of pending U.S. Patent Application No. 09/876,090.

Since these Applications (the present Application and U.S. Patent Application No. 09/876,090) at issue have not been allowed, Applicants defer responding to this rejection.

Applicants note that if the "provisional" double patenting rejection is the only rejection remaining in an application (either the present application or in Application No. 09/876,090), then the Examiner should withdraw the rejection and permit that application to issue as a patent. M.P.E.P. §804. The "provisional" double patenting rejection may then be converted into a double patenting rejection in the other application at the time the one application issues as a patent. M.P.E.P. §804.

III. REJECTIONS UNDER 35 U.S.C. 102(e):

The Examiner has rejected pending claims 25-30 under 35 U.S.C. §102(e) as being anticipated by Hill et al. (U.S. Patent No. 6,670,973) (hereinafter "Hill"). Examiner Frejd agreed that pending claims 25-27 (as well as cancelled claims 28-30) are not anticipated by Hill.

Applicants enclose herewith the arguments that were presented during the discussion as well as included further arguments to clarify the distinguishing features.

Applicants respectfully assert that Hill does not disclose "identifying which architectural building blocks of the predetermined enterprise service delivery technical model are required to deliver the Systems Management services to the customer in accordance with the Systems Management solution scope" as recited in claim 25. The Examiner cites column 4, lines 40-46 and column 6, line 64 – column 7, line 2 of Hill as disclosing the above-cited claim limitation. Office Action (3/13/2008), page 5. Applicants respectfully traverse.

Hill instead discloses that data file 48 uses five levels to represent the information technology infrastructure of the organization-organization, organization function, application, subsystem, and database. Column 4, lines 40-43. Hill further discloses that section 61 presents hierarchical list 62 as a tree diagram, where each level in hierarchical list 62 corresponds to one of the element types of the

organization-organization, organization function, application, subsystem, and database. Column 6, line 64 – column 7, line 1.

Hence, Hill discloses representing the information technology infrastructure of the organization in five levels-organization, organization function, application, subsystem, and database.

There is no language in the cited passages that discloses identifying which architectural building blocks of the predetermined enterprise service delivery technical model are required to deliver the Systems Management services to the customer. Neither is there any language in the cited passages that discloses identifying which architectural building blocks of the predetermined enterprise service delivery technical model are required to deliver the Systems Management services to the customer in accordance with the Systems Management solution scope. Thus, Hill does not disclose all of the limitations of claim 25, and thus Hill does not anticipate claim 25. M.P.E.P. §2131.

Applicants further assert that Hill does not disclose "mapping the inventoried existing information technology components that were mapped to the architectural building blocks of the predetermined enterprise service delivery technical model to the architectural building blocks of the predetermined enterprise service delivery technical model that were identified as required to deliver the Systems Management services in accordance with the Systems Management solution scope, this mapping step resulting in a list of design objects and relationships between the design objects that will deliver the Systems Management services in accordance with the Systems Management solution scope" as recited in claim 25. The Examiner cites column 3, line 59 – column 4, line 7; column 4, lines 40-46; and column 6, line 64 – column 7, line 2 as disclosing the above-cited claim limitations. Office Action (3/13/2008), page 5. Applicants respectfully traverse.

Hill instead discloses that after computer program 42 acquires and stores the representations of the information technology elements, the organizational elements, and the relationships between them for the particular information technology infrastructure, interactive display module 38 generates hierarchical list 62 of the

information technology elements and organizational elements of the organization for presentation by an interactive user interface 60 on display device 20. Column 3, lines 59-66. Hill additionally discloses that data file 48 uses five levels to represent the information technology infrastructure of the organization-organization, organization function, application, subsystem, and database. Column 4, lines 40-43. Hill further discloses that section 61 presents hierarchical list 62 as a tree diagram, where each level in hierarchical list 62 corresponds to one of the element types of the organization-organization, organization function, application, subsystem, and database. Column 6, line 64 – column 7, line 1.

Hence, Hill discloses generating a hierarchical list 62 of the information technology elements and organizational elements of the organization for presentation, where each level in hierarchical list 62 corresponds to one of the element types of the organization-organization, organization function, application, subsystem, and database.

There is no language in the cited passages that discloses mapping the inventoried existing information technology components that were mapped to the architectural building blocks of the predetermined enterprise service delivery technical model to the architectural building blocks of the predetermined enterprise service delivery technical model that were identified as required to deliver the Systems Management services in accordance with the Systems Management solution scope. Neither is there any language in the cited passages that disclose that this mapping step resulting in a list of design objects and relationships between the design objects that will deliver the Systems Management services in accordance with the Systems Management solution scope. Thus, Hill does not disclose all of the limitations of claim 25, and thus Hill does not anticipate claim 25. M.P.E.P. §2131.

Claims 26-27 each recite combinations of features of independent claim 25, and hence claims 26-27 are not anticipated by Hill for at least the above-stated reasons that claim 25 is not anticipated by Hill. M.P.E.P. §2131.

Claims 26-27 recite additional features, which, in combination with the features of the claim upon which they depend, are not anticipated by Hill.

For example, Hill does not disclose "wherein the architectural building blocks and defined relationships between the architectural building blocks are a function of a set of predefined principles and key requirements" as recited in claim 26. The Examiner cites column 3, line 59 – column 4, line 7 of Hill as disclosing the above-cited claim limitation. Office Action (3/13/2008), page 5. Applicants respectfully traverse.

Hill instead discloses that after computer program 42 acquires and stores the representations of the information technology elements, the organizational elements, and the relationships between them for the particular information technology infrastructure, interactive display module 38 generates hierarchical list 62 of the information technology elements and organizational elements of the organization for presentation by an interactive user interface 60 on display device 20. Column 3, lines 59-66.

Hence, Hill discloses generating a hierarchical list 62 of the information technology elements and organizational elements of the organization for presentation.

There is no language in the cited passage that discloses that the architectural building blocks and defined relationships between the architectural building blocks are a function of a set of predefined principles and key requirements. Thus, Hill does not disclose all of the limitations of claim 26, and thus Hill does not anticipate claim 26. M.P.E.P. §2131.

Applicants further assert that Hill does not disclose "wherein relationships between the architectural building blocks are arranged in predefined logical levels" as recited in claim 27. The Examiner cites column 6, line 64 – column 7, line 2 of Hill as disclosing the above-cited claim limitation. Office Action (3/13/2008), page 6. Applicants respectfully traverse.

Hill instead discloses that section 61 presents hierarchical list 62 as a tree diagram, where each level in hierarchical list 62 corresponds to one of the element types of the organization-organization, organization function, application, subsystem, and database. Column 6, line 64 – column 7, line 1.

Hence, Hill discloses that each level in hierarchical list 62 corresponds to one of the element types of the organization-organization, organization function, application, subsystem, and database.

There is no language in the cited passage that discloses that the relationships between the architectural building blocks are arranged in predefined logical levels. Thus, Hill does not disclose all of the limitations of claim 27, and thus Hill does not anticipate claim 27. M.P.E.P. §2131.

IV. CONCLUSION:

As a result of the foregoing, it is asserted by Applicants that claims 25-27 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

WINSTEAD P.C.

Attorneys for Applicants

By: 

Robert A. Voigt, Jr.  
Reg. No. 47,159

P.O. Box 50784  
Dallas, TX 75201  
(512) 370-2832

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